

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 394 of 2005

Between:

Smt. S. Indira, W/o. Jagadeeshwar,
Shop No. 1919, Jagtial Village & Mandal, Karimnagar District.

..... PETITIONER

AND

- 1 The Joint Collector, Karimnagar District, Karimnagar.
- 2 The Revenue Divisional Officer, Jagtial, Karimnagar District.
- 3 The Mandal Revenue Officer, Jagtial Mandal, Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or a direction, more particularly one in the nature of Writ of Mandamus, declaring the proceedings No.G/1889/04, dt. 9-11-2004 and the show-cause notice No. G/1889/04, dt. 9-11-2004 of the Revenue Divisional Officer, Jagtial, Karimnagar District, and also the action of the first respondent in not passing any orders on the appeal filed by the petitioner on 28-12-2004, as being arbitrary, illegal and unreasonable and consequently direct the 1st respondent to dispose of the appeal by suspending the operation of the orders dt. 9-11-2004 of the Revenue Divisional Officer, Jagtial, Karimnagar, pending disposal of the appeal by the first respondent and pass such further or other orders.

Counsel for the Petitioner: MR.D.BHASKAR REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following ORDER:

Petitioner was appointed as a fair price shop dealer in the year 1993. An inspection is said to have been conducted on 30.10.2004 by the Mandal Revenue Inspector. On noticing certain irregularities, the Mandal Revenue Officer, Jagtial, the third respondent, initiated proceedings under Section 6-A of the Essential Commodities Act, 1955 (for short 'the Act') before the Joint Collector, Karimnagar district, the first respondent herein. The Revenue Divisional Officer, the second respondent, suspended the authorization of the petitioner through his proceedings dated 09.11.2004. On the same day, he issued a show cause notice to the petitioner. Aggrieved by the order of suspension, the petitioner preferred an appeal before the first respondent. Her grievance is that no orders have been passed in the appeal or the stay petition.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

The third respondent is said to have initiated proceedings under Section 6-A of the Act before the first respondent. Incidentally, the petitioner challenged the order of suspension passed by the second respondent before the first respondent. Under the A.P. State Public Distribution System Control Order, 2001, initiation of proceedings under Section 6-A of the Act constitutes an independent ground for suspending the authorization. Therefore, this Court is not inclined to interfere at this stage. Inasmuch as the appeal preferred by the petitioner as well as the proceedings under Section 6-A of the Act are pending before the first respondent, it would be better that the first respondent disposes of the same together without any further delay.

Hence, the writ petition is disposed of directing that the first respondent shall take up the proceedings initiated against the petitioner under Section 6-A of the Act as well as the appeal preferred by her against the order of suspension and pass appropriate orders therein within six weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

20.01.2005

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To

- 1 The Joint Collector, Karimnagar District, Karimnagar.
- 2 The Revenue Divisional Officer, Jagtial, Karimnagar District.
- 3 The Mandal Revenue Officer, Jagtial Mandal, Karimnagar District.
- 4 Two C.Cs. to the Government Pleader for Civil Supplies, High Court of A.P., Hyderabad, (OUT).
- 5 Two C.D. Copies.